

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

HRISTO “CHRIS” GOCHEV, a married
individual, and KAISER ENTERPRISES,
LLC,

Plaintiffs,

v.

FIRST AMERICAN PROPERTY &
CASUALTY INSURANCE COMPANY, A
California Domiciled Company

Defendant.

Case No.:

NOTICE OF REMOVAL

Clerk’s Action Required

TO: THE CLERK OF THE COURT
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

YOU WILL PLEASE TAKE NOTICE THAT Defendant First American Property & Casualty Insurance Company (“First American”) files this Notice of Removal regarding the above-captioned action, now pending in the Superior Court of Washington for Snohomish County, in Everett, Washington. The removal is based on 28 U.S.C. §§ 1332, 1441, and 1446.

PARTIES

1. Plaintiffs Hristo “Chris” Gochev and Kaiser Enterprises, LLC have filed a Complaint against First American, alleging that First American has breached a contract of insurance with Plaintiffs, violated the Washington Administrative Code, violated the Washington

NOTICE OF REMOVAL - 1

1 Consumer Protection Act (CPA), committed bad faith, and violated the Washington Insurance
2 Fair Conduct Act (IFCA). A copy of the Complaint is filed as Exhibit A.

3
4 **TIMELINESS**

5 2. Plaintiffs' Complaint was filed in Snohomish County Superior Court on January
6 7, 2022, styled as *Hristo "Chris" Gochev and Kaiser Enterprises, LLC v. First American*
7 *Property & Casualty Insurance Company*, Snohomish County Superior Court Case No.: 22-2-
8 00145-31. Plaintiffs effected service of their Summons and Complaint against First American by
9 serving the Complaint on the State of Washington Office of the Insurance Commissioner on
10 January 10, 2022. A copy of the Summons and Certification from the Insurance Commissioner
11 is filed as Exhibit B.

12 **AMOUNT IN CONTROVERSY**

13 3. Plaintiffs do not plead a specific amount of damages in their Complaint.
14 Consequently, this Court must find, by a preponderance of the evidence, that the total amount
15 in controversy exceeds \$75,000. *See* 28 U.S.C. § 1446(c)(2)(B).

16 4. Plaintiffs seek damages from First American in an amount exceeding \$75,000,
17 including contract damages, tort damages, treble damages pursuant to Washington statutes, and
18 attorney fees. Complaint,

19 5. Plaintiffs' underlying insurance claim alleged covered damages of over \$300,000.

20 6. Plaintiffs' Personal Property coverage, under which Plaintiffs sought coverage,
21 has a limit of \$191,257.

22 7. Plaintiffs seek treble damages pursuant to the IFCA and CPA, along with attorney
23 fees. Complaint, pp. 6-7.

24 8. First American has a good faith belief that the plaintiff is seeking damages in
25 excess of \$75,000, the jurisdictional minimum for diversity jurisdiction, pursuant to LCR 101(a).

26 //

NOTICE OF REMOVAL - 2

JURISDICTION

9. Defendant First American is a foreign insurance company incorporated under the laws of the State of California, with its principal place of business in California, and is therefore a citizen of California. 28 U.S.C. § 1332(c).

10. Plaintiffs are citizens of Washington State. See Complaint, ¶ 1.1.

11. There is complete diversity between First American and Plaintiffs. The above-captioned action may be removed to this Court pursuant to 28 U.S.C. § 1441(a) and 28 U.S.C. § 1332(a)(1).

12. Removal to this Court is proper as this Notice is filed within 30 days after the service of the Summons and Complaint upon the agent for First American, giving this Court jurisdiction over the subject matter of this action pursuant to 28 U.S.C. § 1446(b).

13. First American has concurrently given notice of this Notice of Removal to the Snohomish County Superior Court and to counsel for Plaintiffs, in compliance with 28 U.S.C. § 1446(d).

COPY OF SUMMONS AND COMPLAINT

14. Attached to this notice as Exhibit A is true and correct copy of the Complaint received by First American.

15. Attached to this notice as Exhibit B is a true and correct copy of the Summons and Certification from the Insurance Commissioner received by First American.

16. No Civil Case Schedule has been issued by the Snohomish County Superior Court, to date.

//

//

//

//

NOTICE OF REMOVAL - 3

1 First American will file the appropriate notice of this removal with the Clerk of the
2 Snohomish County Superior Court for Cause Number: 22-2-00145-31.

3 DATED this 9th day of February, 2022.

4 KILMER, VOORHEES & LAURICK, P.C.

5
6
7 *s/Robert S. May*

Robert S. May, WSBA No. 36116
2701 NW Vaughn Street, Suite 780
Portland OR 97210
(503) 224-0055
rmay@kilmerlaw.com

11 *s/Holly Pettit*

12 Holly E. Pettit, WSBA No. 46424
13 2701 NW Vaughn Street, Suite 780
14 Portland OR 97210
(503) 224-0055
hpettit@kilmerlaw.com

15 Of Attorneys for Defendant
16
17
18
19
20
21
22
23
24
25
26

NOTICE OF REMOVAL - 4

CERTIFICATE OF SERVICE

I certify that on the 9th day of February, 2022, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following:

Ray C. Brooks
WSBA No. 37768
Brooks Law Firm
8201 164th Avenue, NE, Suite 200
Redmond WA 98052
(425) 296-9025
ray@lawyerbrooks.com

Attorney for Plaintiffs

s/Robert S. May
Robert S. May
Holly E. Pettit
Of Attorneys for Defendant

\\SRV-FILE\Client\10345\0040\Pleadings\Notice of Removal V2.docx

CERTIFICATE OF SERVICE- 1